

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:07CR3079
)	
v.)	
)	
JOSE ROMO-CORRALES,)	MEMORANDUM AND ORDER
FRANCISCO GALVAN-VALDEZ,)	
)	
Defendants.)	

Defendant Jose Romo-Corrales has moved to suppress all evidence obtained during the search of a residence located at 315 East Dodge Street, Grand Island, Nebraska. (Filing No. 45). An evidentiary hearing on this motion is scheduled to be held before Magistrate Judge Piester on February 26, 2008.

Counsel for defendant Francisco Galvan-Valdez has been preparing a motion to suppress, however these efforts have been delayed due to illness. Defendant Galvan-Valdez has therefore filed an unopposed motion to extend his deadline for filing pretrial motions, and asks that the deadline be extended to early April. (Filing No. 48).

Counsel for the government has advised the court that the evidence and issues underlying any suppression motion which may be filed by defendant Galvan-Valdez will be substantially the same as those currently raised in the suppression motion filed by defendant Jose Romo-Corrales. The government has therefore orally moved to continue the suppression hearing set for February 26, 2008 so that only one evidentiary hearing can be held on the defendants' filed and anticipated motions to suppress. Counsel for defendant Romo-Corrales does not oppose continuing the suppression hearing from February 26, 2008 to late-April 2008.

IT IS ORDERED:

1. The evidentiary hearing on defendant Jose Romo-Corrales' motion to suppress, (filing no. 45), is continued, and the hearing will be held before Magistrate Judge Piester on April 22, 2008 beginning at 1:30 p.m.
2. The motion for enlargement of time filed by the defendant Galvan-Valdez, (filing no. 48), is granted. Pretrial motions on behalf of defendant Galvan-Valdez shall be filed on or before April 7, 2008.
3. The court further finds that the ends of justice will be served by granting defendant Galvan-Valdez' motion to continue the deadline for filing pretrial motions, and outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and April 7, 2008, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant Galvan-Valdez needs additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 21st day of February, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge